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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,553	11/07/2003	Wei-Sheng Tsai	2019-0229P	8221
2292 7590 10/11/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PHAN, JOSEPH T	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 10/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/702,553	Applicant(s) TSAI, WEI-SHENG	
	Examiner Joseph T. Phan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2, 3 and 6 objected to because of the following informalities: Claim 2 line 3 recites -hasn't- and claim 3 line 3 recites -doesn't-, apostrophe's are not appropriate in reciting claims and should be spelled in full. Recite as -has not- and -does not- respectively.

Claim 6 line 6 recites "1" and should be changed to "one" to avoid confusion to being dependent upon claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 lines 7-11 recites "counts out" which is unclear and confusing as the specification does not provide support for the phrase. It is unclear whether the 'timer' counts out as in 'counts down' until the ring duration expires or if it 'audibly' counts out, or visually displayed, in which the specification does not support any aforementioned examples. Appropriate clarification and/or correction is required.

Claim 1 line 11 and 13 recites "said counter" which unclear and confusing as there are

two counters recited previously. An 'elapsed time counter' is recited in line 3 and 'a counter' is recited in line 9. 'Resetting said counter' could refer to any of the recited 'counters. Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 rejected under 35 U.S.C. 102(b) as being anticipated by Helferich et al.,
Patent # Re 34,976.

Regarding claim 1, Helferich teaches an automatic phone-answering method by ring duration of a communication device comprising the steps of:
determining whether an elapsed time counter is activated when there is an incoming call(col.5 lines 51-59); stopping the action of said elapsed time counter if said elapsed time counter is activated(col.24 lines 8-20); determining whether a timer counts out a predetermined ring duration(52 Fig.3, col.23 lines 7-13); determining whether a counter counts out predetermined calling number if said timer counts out the predetermined ring duration; automatically answering the incoming call if said counter counts out the predetermined calling number; and resetting said counter to an initial state(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20).

Regarding claim 2, Helferich teaches the automatic phone-answering method by ring duration as claimed in claim 1, wherein said counter is reset and said timer is activated if said elapsed time counter hasn't been activated(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20).

Regarding claim 3, Helferich teaches the automatic phone-answering method by ring duration as claimed in claim 1, wherein said counter is reset and said timer is activated if said timer doesn't count out the predetermined ring duration(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20)..

Regarding claim 4, Helferich teaches the automatic phone-answering method by ring duration as claimed in claim 2, wherein said timer is stopped and said counter is reset to the initial state if the incoming call is answered by someone after said timer is activated(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20)..

Regarding claim 5, Helferich teaches the automatic phone-answering method by ring duration as claimed in claim 2, wherein the incoming call is ringed off and said timer is stopped if there is no one answering the incoming call after said timer is activated(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20)..

Regarding claim 6, Helferich teaches the automatic phone-answering method by ring duration as claimed in claim 5, wherein after said timer is stopped, the value of said time is immediately checked, and whether the value of said timer is the predetermined value is determined, and said counter is reset to the initial state if the answer is no, or the value of said counter is added by 1 and said elapsed time counter is activated and then said counter is reset to the initial state if the answer is yes(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20).

Regarding claim 7, Helferich teaches the automatic phone-answering method by ring duration as claimed in claim 1, wherein said communication device can be a telephone or a mobile phone(75 fig.3, col.22 lines 59-65, and col.24 lines 8-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
08/15/2007

